

EXHIBIT B

From: Patrick Kennell
Sent: Thursday, January 9, 2025 5:26 PM
To: Jonathan Corbett, Esq.; Kathleen Mullins; Shelly Friedland; Eyal Dror
Cc: Myah Drouin; lee@sfcslaw.com; Fletcher Moore; Jacob Chen; Rita; Mark Garner
Subject: RE: 2023 EZoo Class Action: meet-and-confer call

John --

Let me first say that I sincerely hope you and your loved ones are out of harm's way in the incredibly heartbreaking time in Los Angeles.

We will file our response to your letter with the Court shortly, but wanted to get back to you on the questions and points in your email as well:

1. We appreciate the offer to narrow the discovery requests, but I'm not sure narrowing the scope of any of the requests would necessarily lower the yield of data from the custodians. According to CDS, it looks like the bulk of the terabyte-attachment problem is from video and image files which our client believes are likely to be unrelated to the 2023 EZoo. We're working with the ESI vendor to figure out how to pare that yield down, so that it's within the scope of the discovery requests.
2. We already have and are actively reviewing the ~50k of documents from the other custodians, so we anticipate being able to make rolling productions by the end of the month. What we were suggesting is that we substantially complete, not start, that significant ESI production by 2/15.
3. We must agree to disagree with you about whether 50,000 documents is a lot to review – it really is. And whether TBs of info can fit on a portable drive is not our issue – it's that terabytes of information when "promoted" into Relativity platforms results in what amounts to, in our experience, many millions of documents (which then multiply vastly when considered as how many pages of documents). We're trying to be totally transparent about these challenges – and whether or not anyone on the Plaintiffs' side can sense, we are incredibly frustrated by how this yield is coming back and we are begging our vendor to help solve this problem. Lastly, it's not that we don't have all the documents – we have everything; and that's the problem. The ~50K are already promoted onto Relativity and are under review by lawyers on our team. For the three custodians with ~7-8TB, we have their documents/ESI; we and CDS have to figure out how cut through those attachments without potentially cutting out something that's responsive.
 - a. Perhaps, further to Point #1 above, we can share with you all the attachments reporting we're getting from CDS, and you can decide if there are kinds of attachments, like videos, images, CAD drawing files, etc., that you don't need or want because it would speed up the response. Perhaps that's an option to consider?
4. We have explained your position to our client and stressed that a response is needed ASAP.

Regards,
Patrick

Patrick Kennell
Partner

KAUFMAN | DOLOWICH

40 Exchange Place, 20th Floor
New York, NY 10005

Direct: 646-599-9420
Cell: 917-843-0490
Email: pkennell@kaufmandolowich.com



Mansfield Rule
Certified 2018-2024 diversitylab

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-----Original Message-----

From: Jonathan Corbett, Esq. <jon@corbettrights.com>

Sent: Friday, January 3, 2025 10:35 PM

To: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Shelly Friedland <shelly.friedland@parkerpohl.com>; Eyal Dror <edror@triefandolk.com>

Cc: Patrick Kennell <pkennell@kaufmandolowich.com>; Myah Drouin

<Myah.Drouin@kaufmandolowich.com>; lee@sfcslaw.com; Fletcher Moore

<fletcher@fmoorelaw.com>; Jacob Chen <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner <mark@dgwllp.com>

Subject: Re: 2023 EZoo Class Action: meet-and-confer call

[EXTERNAL SENDER]

Hi Kathleen,

Thank you for the additional details. Some thoughts:

1) Our goal with discovery is not to overburden you. Is there some narrowing of our requests we could agree to that would substantially cut down on the size of the data you need to provide?

2) I don't think we can be amenable to a 2/15 date to *start* the turnover of ESI. I can understand, based on your representations in your last e-mail, that

1/15 might be a challenge to provide "all" ESI (although the process should have started 6 months ago), but if you want us to agree to an extension, we'll need you guys to turn over at least "some" ESI by 1/15. What can you offer us?

3) As a general matter, please understand that 3 custodians and 50,000 documents really isn't "a lot" of documents in the context of an 8-figure class-action.

Looking at my inbox, I can tell you I personally received almost 50,000 e-mails last year, and it would take me minutes to export them and upload them. An 8 TB hard drive can be had on Amazon for about \$100. I understand that you also have to review these documents, but it appears you're saying you don't even have the documents yet (otherwise it would make no sense to point out the 3 different custodians). This is no good.

4) You had agreed to respond to our settlement demand by beginning of November.

It is now beginning of January. Please give us a response right away. While I presume the cause of the delay is your clients rather than you as counsel, there is no good faith reason for further delay at this time; please explain that to your client and get us a number. I won't be inclined to agree to any extensions whatsoever until you do.

Thanks,

--Jon

--

Jonathan Corbett, Esq.
Corbett Rights, P.C.
Civil Rights | Employment | Contract Litigation
5551 Hollywood Blvd., Suite 1248
Los Angeles, CA 90028
Phone: (310) 684-3870
FAX: (310) 675-7080
Web: <http://www.corbetrightrights.com>

☐--

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On Fri, 2025-01-03 at 18:51 +0000, Kathleen Mullins wrote:

> Shelly and Eyal,

>

> As we previously advised, we agree to a 5-month discovery extension,

> and specifically to extend the fact discovery deadline to June 5th.

> Given this date, and the settlement conference scheduled for March

> 11th, we propose that fact depositions be completed by May 30, 2025.

>

> We understand and appreciate the issues you both have raised regarding

> discovery. However, January 15th is too ambitious for us to provide

> all of our client's ESI and we explain the reasons herein.

>

> In the interest of transparency, we have been doing everything we can

> to expedite the ESI process, however, we have been faced with an

> unexpected proportionality issue with the data that we are trying to

> resolve. While our client initially advised that the anticipated data

> would be limited, upon retaining CDS for the ESI retrieval, we learned

> that the data is much more voluminous than we were told. In addition,

> we have encountered a situation with three of the custodians (Billy

> Bildstein, Tyler Tran, and Kenny Schacter), whose attachments appear

> to be causing an enormous data hit in the realm of around 7 TB of

> documents. Given the size of this data and the issue of

> proportionality to the case, we are working with CDS and the client to

> ascertain a way to segregate those custodians and pare down their attachments in a way that is proportional to the case.

>

> Regarding the data from the other custodians, after de-duplication and

> running search terms, there remains over 50,000 documents which we are

> actively reviewing. For these custodians, given the number of

> documents, we suspect we will be able to produce the bulk of this data on or before February 15th.

>

> As for the three custodians mentioned above, once we can work through

> the proportionality issue, we will provide an update on when we

> believe we will be able to produce that set of data.

>

> Please let us know if you are agreeable with the dates proposed above.

>

> Lastly, please let us know when we can expect further disclosures from

> the Brockmole Plaintiff group, as the last disclosure provided on

> October 3, 2024 was 15 pages, consisting of apparently screenshots of

> information from only a few individuals.

>

> Thanks,

> Kathleen

>

> Kathleen Mullins Of Counsel

> 40 Exchange Place, 20th Floor New York , NY 10005 Direct: 212-485-9976

> Cell: 917-374-6865 Email: kathleen.mullins@kaufmandolowich.com PLEASE NOTE:

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> Please consider the environment before printing.

> From: Shelly Friedland <shelly.friedland@parkerpohl.com>

> Sent: Tuesday, December 31, 2024 2:22 PM

> To: Eyal Dror <edror@triefandolk.com>

> Cc: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Patrick

> Kennell <pkennell@kaufmandolowich.com>; Myah Drouin

> <Myah.Drouin@kaufmandolowich.com>;

> lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan

> Corbett <jon@corbettrights.com>; Jacob Chen <jchen@dgwllp.com>; Rita

> <rita@dgwllp.com>; Mark Garner <mark@dgwllp.com>

> Subject: Re: 2023 EZoo Class Action: meet-and-confer call

>

> [EXTERNAL SENDER]

> Kathleen and Patrick,

>

> We're approaching the current discovery cut-off, which clearly needs

> to be extended. We don't want to submit this request after the date

> has passed, so we're now running out of time. Please respond Thursday

> with your thoughts, so the parties can submit a timely request to the court.

>

> Thank you,

>

> Shelly

>

>

>

>

>

> Shelly L. Friedland

> PARKER POHL LLP
> 99 Park Avenue, Suite 1510
> New York, NY 10016
> Main: (212) 202-8886
> Direct: (212) 804-9050
> shelly.friedland@parkerpohl.com
> www.parkerpohl.com
>

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>
>
>

>> On Dec 24, 2024, at 12:05 PM, Eyal Dror <edror@triefandolk.com> wrote:

>>

>> Kathleen:

>> We appreciate your agreement on certain open items below as well as
>> your claimed efforts to move things along with your clients. Even
>> so, at this point, it is obvious that without concrete deadlines,
>> discovery will continue to languish. Accordingly, we propose that
>> Defendants commit to producing all or substantially all of their ESI
>> production and remaining disclosures in response to our prior
>> discovery requests by January 15, 2025. If your clients require
>> more time or wish to build in a procedure and timeline for rolling
>> productions, we are prepared to consider the same, but we would need
>> to first understand what they have in mind. As a general matter, we
>> would also expect that they advise as to what has caused their
>> assessments of discovery to change over the past several weeks and
>> months, given that, in prior conversations with you and Patrick, we
>> had understood that the volume of materials was somewhat limited. Moreover, as recently as November 29, you
had indicated that you anticipated your clients'

>> productions would commence by early December. We need to understand what
>> the cause is for these delays and shifting assessments.

>> Beyond document production, we would propose that all fact
>> depositions be completed by March 31, 2025.

>> Please advise as to whether the above deadlines are agreeable.

>> Again, if you have any objection, we request that you provide
>> alternate deadlines along with an explanation as to why those are
>> appropriate. Absent that, we will conclude that Defendants are not
>> sincere in their stated desire to move this case along, and we will insist on escalating these issues to the Court.
>> We await your response.

>> -Eyal

>>

>> Eyal Dror

>> Trief & Olk

>> 800 Third Ave., 29th Floor,

>> New York, New York 10022

>> T: (212) 308-2769

> > edror@triefandolk.com

> >

> > From: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>

> > Sent: Thursday, December 19, 2024 7:42 PM

> > To: Eyal Dror <edror@triefandolk.com>; Patrick Kennell

> > <pkennell@kaufmandolowich.com>; Myah Drouin

> > <Myah.Drouin@kaufmandolowich.com>

> > Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;

> > Jonathan Corbett <jon@corbettrights.com>; Jacob Chen

> > <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner

> > <mark@dgwllp.com>; shelly.friedland@parkerpohl.com

> > Subject: RE: 2023 EZoo Class Action: meet-and-confer call

> >

> > Eyal,

> >

> > Our client is still internally reviewing the settlement demand and

> > working on a response. We have been following up with them and their

> > most recent update was that they will have a response after the

> > holidays. We understand your frustration, but they are taking it

> > seriously and want to provide a meaningful response. We have also

> > shared with them all your comments and your request for an expedited response.

> >

> > We are still working with CDS on the ESI process. We anticipate that

> > we will provide our next production by mid-January. We have been

> > informed that the data collected is much more voluminous than

> > initially anticipated, so we will need additional time to review the documents before disclosing.

> >

> > We consent to extending the fact discovery deadline to June 5th.

> >

> > Regarding the proposed motion for appointment as interim class

> > counsel, we consent.

> >

> > Given the above update, we hope that a meet-and-confer isn't

> > necessary at this point.

> >

> > Kathleen Mullins Of Counsel

> > <image001.png> <image002.png> 40 Exchange Place, 20th Floor New York

> > , NY

> > 10005 Direct: 212-485-9976 Cell: 917-374-6865 Email:

> > kathleen.mullins@kaufmandolowich.com <image003.png> <image004.png>

> > PLEASE

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> > this message and then delete it from your system. Please consider the environment before printing.

> > From: Eyal Dror <edror@triefandolk.com>

> > Sent: Thursday, December 19, 2024 5:21 PM

> > To: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Patrick

> > Kennell <pkennell@kaufmandolowich.com>; Myah Drouin

> > <Myah.Drouin@kaufmandolowich.com>

>> Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;
>> Jonathan Corbett <jon@corbettrights.com>; Jacob Chen
>> <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner
>> <mark@dgwllp.com>;shelly.friedland@parkerpohl.com
>> Subject: 2023 EZoo Class Action: meet-and-confer call
>>
>> [EXTERNAL SENDER]
>> Kathleen, Patrick:
>> We have been patient with you and your clients in this action but
>> can no longer tolerate the excessive delays that have greeted us
>> with respect to our discovery demands, settlement discussions, and
>> even basic scheduling requests. At this juncture, we see no
>> alternative but to escalate your clients' discovery delays with the
>> Court. To that end, consistent with Local Rule 37.2 and Rule II.A
>> of Magistrate Willis's Individual Rules, please advise when you are
>> available on Monday or Tuesday next week for a meet-and-confer call.
>>
>> Regards,
>> Eyal
>>
>>
>> Eyal Dror
>> Trief & Olk
>> 800 Third Ave., 29th Floor,
>> New York, New York 10022
>> T: (212) 308-2769
>> edror@triefandolk.com
>>
>>
>> From: shelly.friedland@parkerpohl.com
>> <shelly.friedland@parkerpohl.com>
>> Sent: Monday, December 9, 2024 3:54 PM
>> To: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Patrick
>> Kennell <pkennell@kaufmandolowich.com>; Myah Drouin
>> <Myah.Drouin@kaufmandolowich.com>
>> Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;
>> Jonathan Corbett <jon@corbettrights.com>; Jacob Chen
>> <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner
>> <mark@dgwllp.com>; Eyal Dror <edror@triefandolk.com>
>> Subject: Re: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE
>> DATES -
>> 2023 EZoo Class Actions
>>
>> Kathleen and Patrick,
>>
>> I'm writing to respond to your email below.
>>
>> 1. We are certainly disappointed to not have received a response
>> to our settlement demand; however, pursuant to your recent email,
>> you had hoped to have an answer for us last week. Give that the end
>> of the week has come and gone, we would like an updated estimate of when we can expect a response.
>>

>> 1. Please update us on when you expect to begin ESI production,
>> so that our vendor can be ready to upload the production without delay.
>>
>> 1. We hope to have a batch of plaintiffs' documents by the end of
>> this week.
>>
>> 1. Given where the parties are on discovery, and the delays
>> engendered from our expectation that we would have a settlement
>> conference in November, we propose a 5-month extension of discovery,
>> and all related deadlines. That would put us at June 5 for the close
>> of fact discovery. Please let us know your thoughts on this proposal.
>>
>> 1. We'd previously asked if your client would consent to our
>> proposed motion for appointment as interim class counsel. Since it
>> does not really affect your client, I believe Patrick indicated he
>> didn't expect opposition but please let us know where that stands.
>>
>>
>> Thanks,
>> Shelly
>>
>> From: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>
>> Date: Friday, November 29, 2024 at 12:03 PM
>> To: Eyal Dror
>> <edror@triefandolk.com>,
>> shelly.friedland@parkerpohl.com<shelly.friedland@pa
>> rkerpohl.com>, Patrick Kennell <pkennell@kaufmandolowich.com>, Myah
>> Drouin <Myah.Drouin@kaufmandolowich.com>
>> Cc: lee@sfclasslaw.com <lee@sfclasslaw.com>, Fletcher Moore
>> <fletcher@fmoorelaw.com>, Jonathan Corbett <jon@corbettrights.com>,
>> Jacob Chen <jchen@dgwllp.com>, Rita <rita@dgwllp.com>, Mark Garner
>> <mark@dgwllp.com>
>> Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE
>> DATES -
>> 2023 EZoo Class Actions
>> Eyal,
>>
>> Our client is still internally reviewing the settlement demand and
>> working on a response. We last spoke with them this week, and they
>> advised that they anticipate that they'll have a response by next
>> week. Given what our clients view as an unexpectedly high demand, a
>> thorough internal review on their end has been necessary in order to provide a meaningful response.
>> While we'd hoped to have a response for you sooner, we assure you
>> that we and they are taking it seriously and are interested in
>> reaching a resolution.
>>
>> Regarding the discovery issues, we are working closely with our ESI
>> vendor on the process and anticipate that our next phase of document production
>> should occur in early December. We will respond separately regarding the
>> prior productions and redactions, as we're checking to see if any of
>> those redactions can be removed given the confidentiality order in
>> this case. We will also re-run those documents through the ESI

>> system so that they can be re-produced to you with metadata (as
>> we're not confident about executing ourselves the bookmarking process you've suggested).
>>
>> Separately, to date we've received exactly 15 pages of document
>> production from Plaintiffs, consisting of apparently screenshots of
>> information from only a few individuals. When may we expect further
>> productions from each of the plaintiff classes?
>>
>> Regards,
>> Kathleen
>>
>> Kathleen Mullins Of Counsel
>> <image001.png> <image002.png> 40 Exchange Place, 20th Floor New York
>> , NY
>> 10005 Direct: 212-485-9976 Cell: 917-374-6865 Email:
>> kathleen.mullins@kaufmandolowich.com <image003.png> <image004.png>
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>> From: Eyal Dror <edror@triefandolk.com>
>> Sent: Monday, November 25, 2024 5:37 PM
>> To: shelly.friedland@parkerpohl.com; Patrick Kennell
>> <pkennell@kaufmandolowich.com>; Kathleen Mullins
>> <kathleen.mullins@kaufmandolowich.com>; Myah Drouin
>> <Myah.Drouin@kaufmandolowich.com>
>> Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;
>> Jonathan Corbett <jon@corbettrights.com>; Jacob Chen
>> <jchen@dgwillp.com>; Rita <rita@dgwillp.com>; Mark Garner
>> <mark@dgwillp.com>
>> Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE
>> DATES -
>> 2023 EZoo Class Actions
>>
>> [EXTERNAL SENDER]
>> Patrick,
>> Please address the other two points that Shelly previously asked about.
>> Namely:
>> 1. Your clients' settlement demand. As you'll recall, we
>> originally made a settlement demand (on 10/21/24) subject to your
>> agreement to provide a response within two weeks. You failed to
>> respond by 11/4 as agreed and instead indicated that you would
>> respond by November 18. It has now been a week since that extended
>> deadline, and we still have not heard back from you. This is
>> extremely disappointing and perplexing. If your clients are in fact
>> interested in engaging in settlement discussions, as you have indicated, they should engage in settlement
discussions.
>>
>> 1. Your clients' document productions. Please promptly advise as

>> to the next phases of your clients' document productions.
>> Additionally, please remedy the previously noted deficiencies in
>> your clients' 10/31 production, which should be amended to remove
>> the redactions and provide bookmarks and any other existing metadata concerning the records produced.
>>
>> Please advise when you expect to respond to the above issues. We
>> see no reason why you cannot respond before the end of the week. If
>> yet another week passes without any comment on these issues from
>> you, we will seek to escalate these matters with the Court.
>>
>> Regards,
>> Eyal
>>
>> From: shelly.friedland@parkerpohl.com
>> <shelly.friedland@parkerpohl.com>
>> Sent: Wednesday, November 20, 2024 12:05 PM
>> To: Patrick Kennell <pkennell@kaufmandolowich.com>; Kathleen Mullins
>> <kathleen.mullins@kaufmandolowich.com>; Myah Drouin
>> <Myah.Drouin@kaufmandolowich.com>
>> Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;
>> Jonathan Corbett <jon@corbettrights.com>; Jacob Chen
>> <jchen@dgwillp.com>; Rita <rita@dgwillp.com>; Mark Garner
>> <mark@dgwillp.com>; Eyal Dror <edror@triefandolk.com>
>> Subject: Re: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE
>> DATES -
>> 2023 EZoo Class Actions
>>
>> Patrick,
>>
>> We'd agreed to wait until November 18 to receive your client's
>> response to our settlement demand; it's now November 20. Please
>> provide a response – or explain why you can't do so.
>>
>> Additionally, do you have dates to propose for the settlement conference?
>> I'm combining our teams' availability into one list but if you can
>> send me your dates (either black-out date or proposed dates) in the
>> meantime, that would be great.
>>
>> Please let us know what's happening with the next phase of your
>> document production, which we need to receive soon in order to keep
>> the case moving forward. With the possibility that the settlement
>> conference may not be until February or March, we need to proceed
>> with discovery at full tilt in the meantime.
>>
>> Thank you,
>>
>> Shelly
>>
>> From: Patrick Kennell <pkennell@kaufmandolowich.com>
>> Date: Saturday, November 2, 2024 at 7:02 PM
>> To: shelly.friedland@parkerpohl.com
>> <shelly.friedland@parkerpohl.com>,

>> Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>, Myah Drouin
>> <Myah.Drouin@kaufmandolowich.com>
>> Cc: lee@sfclasslaw.com <lee@sfclasslaw.com>, Fletcher Moore
>> <fletcher@fmoorelaw.com>, Jonathan Corbett <jon@corbettrights.com>,
>> Jacob Chen <jchen@dgwllp.com>, Rita <rita@dgwllp.com>, Mark Garner
>> <mark@dgwllp.com>, Eyal Dror <edror@triefandolk.com>
>> Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE
>> DATES -
>> 2023 EZoo Class Actions
>> Shelly –
>>
>> Here are follow-ups to your question / points:
>>
>> 1. Hopefully everyone received on Thursday 10/31 our third
>> production and corresponding privilege log. Let us know if you did
>> not or if you had any trouble with the link.
>> 2. We will start draft a joint letter to Judge Willis with the
>> conference dates
>> 3. I will get back to you on the interim class counsel idea. I
>> don't think we'll have any opinion or opposition, but I just need to
>> clear it with our client.
>> 4. We are fine with moving the briefing dates and like the idea
>> you propose. We'll take a stab at that in the draft joint letter.
>>
>> As for the settlement demand, thank you for providing that to us and
>> we appreciate your efforts in advancing the discussion. We reviewed
>> it with our clients as soon as we got it and we're awaiting
>> comments. One complication in responding by Monday 11/4 (which by
>> our calculation would be the two-week response date we agreed) is
>> that, as you may recall, my main client contact then went overseas
>> for an extended period until later next week. I'm hopeful to get
>> comments back very shortly, but I'm asking in Plaintiffs will agree to wait until Monday 11/18 for our response.
>>
>> Kind regards,
>> Patrick
>>
>>
>> Patrick Kennell Partner <image001.png>
>> <image002.png> 40 Exchange Place, 20th Floor New York , NY 10005 Direct:
>> 646-599-9420 Cell: 917-843-0490 Email:
>> pkennell@kaufmandolowich.com <image003.png> <image004.png> PLEASE
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>> From: shelly.friedland@parkerpohl.com
>> <shelly.friedland@parkerpohl.com>
>> Sent: Wednesday, October 30, 2024 11:11 AM
>> To: Patrick Kennell <pkennell@kaufmandolowich.com>; Kathleen Mullins
>> <kathleen.mullins@kaufmandolowich.com>

>> Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;
>> Jonathan Corbett <jon@corbettrights.com>; Jacob Chen
>> <jchen@dgwillp.com>; Rita <rita@dgwillp.com>; Mark Garner
>> <mark@dgwillp.com>; Eyal Dror <edror@triefandolk.com>
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>> DATES -
>> 2023 EZoo Class Actions
>>
>> [EXTERNAL SENDER]
>> Patrick and Kathleen,
>>
>> Following up on our conversation below:
>>
>> 1. Please update us on the expected production of the contracts,
>> which you'd expected to be able to send by the end of October – i.e., tomorrow.
>>
>> 1. Either December 3 or 10 works for us for a settlement conference.
>>
>> 1. On the topic of whether plaintiffs need to attend, our thought
>> is to seek appointment as interim class counsel, which would address that issue.
>> Please let me know if you would oppose such a motion.
>>
>> 1. On the topic of class cert issues, we propose that the
>> parties' class cert briefing be adjourned, with opening briefing
>> keyed to the date of the settlement conference, whenever that is.
>> We think this approach makes more sense than setting specific dates
>> that end up being moved repeatedly. (We can make this
>> request/proposal to the judge in the same letter where we propose
>> dates for the settlement conference.). Please let me know your thoughts on this approach.
>>
>> Thanks,
>>
>> Shelly
>>
>>
>> From: Patrick Kennell <pkennell@kaufmandolowich.com>
>> Date: Wednesday, October 16, 2024 at 9:18 AM
>> To: Eyal Dror <edror@triefandolk.com>, Kathleen Mullins
>> <kathleen.mullins@kaufmandolowich.com>
>> Cc: lee@sfclasslaw.com <lee@sfclasslaw.com>, Fletcher Moore
>> <fletcher@fmoorelaw.com>, Jonathan Corbett <jon@corbettrights.com>,
>> Shelly Friedland <shelly.friedland@parkerpohl.com>, Jacob Chen
>> <jchen@dgwillp.com>, Rita <rita@dgwillp.com>, Mark Garner
>> <mark@dgwillp.com>
>> Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE
>> DATES -
>> 2023 EZoo Class Actions
>> Eyal –
>>
>> Thanks for your patience, here are our responses to the questions
>> and points you raised:
>>

>> 1. We agree that full discovery should be moving forward. We can
>> agree to produce the vendor contracts before the end of October, and
>> we are actively working on the ESI data. Once I have a better
>> handle on that this week, I can better represent whether 11/15 or
>> some other date is something we can commit to for a first production.
>> 2. We agree to your proposal and timeline on private settlement
>> discussions. Thank you for advancing this.
>> 3. We propose December 3 or 10, 2024 for the settlement
>> conference, with the pre-conference meeting with the Judge for one
>> week earlier (either November 26 or December 3, 2024). If we can
>> agree on dates by email, I don't think we'd need to schedule a call
>> to confirm them – we can just send to the Judge straight away. I'm
>> not sure whether the Court expects any of the named class plaintiffs
>> or any proposed lead class reps to attend the settlement conference,
>> but it's fine with us if they're not there, so long as counsel come
>> with full authority to resolve the case obviously. I think this is something you might have to confirm with Judge
Willis.
>> 4. I will send the protective order to counsel for the WRE
>> Defendants and see if they wish to join in it, and then we'll get it filed.
>>
>> Kind regards,
>> Patrick
>>
>> Patrick Kennell Partner <image001.png>
>> <image002.png> 40 Exchange Place, 20th Floor New York , NY 10005 Direct:
>> 646-599-9420 Cell: 917-843-0490 Email:
>> pkennell@kaufmandolowich.com <image003.png> <image005.png> PLEASE
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>> Please consider the environment before printing.
>> From: Eyal Dror <edror@triefandolk.com>
>> Sent: Tuesday, October 8, 2024 12:21 PM
>> To: Patrick Kennell <pkennell@kaufmandolowich.com>; Kathleen Mullins
>> <kathleen.mullins@kaufmandolowich.com>
>> Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;
>> Jonathan Corbett <jon@corbettrights.com>; Shelly Friedland
>> <shelly.friedland@parkerpohl.com>; Jacob Chen <jchen@dgwllp.com>;
>> Rita <rita@dgwllp.com>; Mark Garner <mark@dgwllp.com>
>> Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE
>> DATES -
>> 2023 EZoo Class Actions
>>
>> [EXTERNAL SENDER]
>> Patrick, Kathleen:
>>
>> We write to address a number of outstanding issues in the wake of
>> the Court's adjournment of our settlement conference. In particular:
>>
>> 1. We cannot agree to put discovery on hold until late November. We

>> understand your clients were hoping to avoid significant discovery
>> expenses if the parties could settle, but, given the present
>> circumstances, we insist that your clients begin collection and
>> production of documents on a rolling basis, with agreed-upon deadlines/benchmarks. We propose that your clients'
>> produce the vendor contracts that you mentioned during our last call
>> by the end of October and, thereafter, commence their broader
>> production by no later than November 15. If you have a different
>> proposal in mind, please advise so that we may consider it.
>>
>> 2. Concurrent with the above, the parties should commit to moving
>> settlement discussions forward on our own. We will provide you with
>> our demand by the end of this week and would ask that you respond
>> within two weeks. We are prepared, in turn, to commit to respond to
>> your proposal within that same time frame or earlier. That way, by
>> the end of November, either we'll have an agreement, we will have
>> made some progress towards a settlement, or we'll know that we're too far apart. Please advise if this is agreeable.
>>
>> 3. As you are aware, the Court directed the parties to meet and
>> confer regarding potential dates for a pre-settlement conference and settlement
>> conference. Please provide proposed dates ASAP, and we will respond in
>> kind, so that we can hold a meet and confer call this week and
>> transmit dates to the Court. Note that we do not believe that it is
>> necessary – or that the Court expects – that named plaintiffs in a
>> class action appear at the conference.
>>
>> 4. Finally, attached is the protective order with /s/ signatures on
>> behalf of all Plaintiffs. If you wish to transmit this to the
>> separate defendants in the RICO action to obtain there approval
>> please do so, otherwise, you have our consent to have this filed.
>>
>> We look forward to your response and continuing cooperation with
>> respect to the above.
>>
>> Regards,
>> Eyal
>>
>>
>> From: Patrick Kennell <pkennell@kaufmandolowich.com>
>> Sent: Sunday, September 29, 2024 4:31 PM
>> To: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>;
>> Jonathan Corbett <jon@corbettrights.com>; Eyal Dror
>> <edror@triefandolk.com>; Shelly Friedland
>> <shelly.friedland@parkerpohl.com>; Jacob Chen <jchen@dgwllp.com>;
>> Rita <rita@dgwllp.com>
>> Cc: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>
>> Subject: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES
>> - 2023 EZoo Class Actions
>> Importance: High
>>
>> Lee, Fletcher, Jon, Eyal, Shelly, Jacob, and Rita –
>>
>> Due to a family medical issue that will have me in and out of town

> > over the next several weeks, which I didn't know about when we spoke
> > last week, I must make a letter application by tomorrow (Monday,
> > September 30th) to Judge Willis to adjourn the date of our
> > settlement conference in this case. Under paragraph 10 of Judge
> > Willis's Standing Order for All Cases Referred for Settlement, I
> > write to first consult with all of you as to your and your clients'
> > availability on November 21, 22, and 25, 2024 for the settlement
> > conference. If those dates don't work, let us know if there are early December dates that would be better.
> >

> > I recognize this isn't ideal, but it would also give you all more
> > time to digest the sales and refund information we recently
> > produced, which presumably might help you in coming to the required
> > pre-conference settlement demand per paragraph 3 of Judge Willis's Standing Order.
> >

> > Regards,
> > Patrick

> >
> >
> >

> > Patrick Kennell Partner <image001.png>

> > <image002.png> 40 Exchange Place, 20th Floor New York , NY 10005 Direct:
> > 646-599-9420 Cell: 917-843-0490 Email:

> > pkennell@kaufmandolowich.com <image003.png> <image005.png> PLEASE

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